

REMARKS

This Response is submitted in reply to the Office Action dated June 19, 2007 in conjunction with the accompanying Request for Continued Examination. Claims 1, 4-5, 11, 14-15, 21, 30-31, 33, 35-37, 40 and 43 have been amended. No new matter has been added to the claims. Applicants have submitted with this Response, a Petition for a One Month Extension of Time to reply to the Office Action. Please debit Deposit Account No. 02-1818 for all fees due in connection with this Response.

As noted above, Applicants have filed a Request for Continued Examination with this Response. Accordingly, Applicants request that the Examiner provide an upcoming Office Action which will “. . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

The Office Action rejects claims 1-5 and 7-9 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application Publication No. 2001/0049298 A1 to Bennett (“Bennett”) in view of U.S. Patent Application Publication No. 2002/0026404 A1 to Thompson (“Thompson”). Applicants respectfully disagree with and traverse such rejection at least for the reason that the combination of Bennett and Thompson is improper.

Thompson is non-analogous art as relied upon by the Office Action. Bennett discloses a gaming machine with a stock market game. The objective of Bennett is to provide gaming entertainment. Thompson discloses a software program to assist traders in tracking their stock in the investment industry. Because of the differences between the gaming industry and the investment industry, Applicants submit that there is inadequate teaching, suggestion and motivation to combine Bennett with Thompson to support the Office Action's rejection. At least for this reason, Applicants submit that the combination of Bennett and Thompson is improper.

Despite such traversal, Applicants have amended independent claim 1 to advance the prosecution of this application. Amended claim 1 recites, among other elements: “. . . a processor operatively coupled to the display device, the processor

being programmed to perform a plurality of steps for one of the plays of the game, the steps including: (a) causing the display device to display the symbols; (b) receiving a player selection of a plurality of the displayed symbols; (c) causing the display device to display the value indicators associated with the selected symbols, said display resulting in an indication of one of the final values associated with each one of the selected symbols; (d) receiving a player reselection of at least one of the selected symbols; (e) as a result of the player reselection, applying the mathematical modifier to all of the displayed final values, the application of the mathematical modifier resulting in an award; and (f) displaying the award. Bennett and Thompson do not separately or collectively disclose such elements.

The Office Action rejects claims 6, 10-29 and 40-47 under 35 U.S.C. §103(a) as being obvious over Bennett and Thompson in view of U.S. Patent Application Publication No. 2003/0027619 A1 to Nicastro, SR. ("Nicastro"). Also, the Office Action rejects claims 30-39 under 35 U.S.C. §103(a) as being obvious over Bennett, Thompson, Nicastro and U.S. Patent No. 6,471,588 to Sakamoto ("Sakamoto"). Applicants refer to such rejected claims 6, 10-29, 30-39 and 40-47 as the "Prior Claims."

Applicants respectfully disagree with and traverse such rejections at least for the reasons set forth above. Furthermore, Applicants submit that such combinations do not disclose the reselection elements of Prior Claims 21-39. In all of the Prior Claims 21-39, the initial selection of at least one of the symbols is operatively coupled to at least one of the final values. In turn, such at least one final value has a direct or indirect affect, cause or function related to the award.

The Office Action states the following:

'619 has a second opportunity to reselect a designated quantity of symbols in the group (designated number of Leave It symbols allowing player to pick another symbol in the bonus game, Para. 51).

Applicants disagree with such interpretation of Nicastro. Nicastro enables the player to make a Take It decision or a Leave It decision. As best understood, the Office Action views a Leave It input as an initial selection of a symbol. If the player changes his/her mind and decides to provide a Take It input for such symbol, the Office Action

views that Take It decision as a reselection of such symbol, as best understood by Applicants.

Applicants submit that the initial Leave It input is not a selection of such symbol. This is because such input has no affect on any award outcome of Nicastro. When the player provides a Leave It input for a symbol, the gaming machine treats such symbol as if it has not been previously selected. Therefore, functionally, a player's input for a Leave It decision is not a selection of a symbol.

To select a symbol for affecting the award outcome, the player must provide a Take It input. Once a symbol is selected in this manner, the symbol area is shaded, and the gaming machine prevents the player from selecting it again. These concepts are disclosed in Paragraphs 51, 52 and 58 of Nicastro.

Accordingly, if the player provides a Leave It input for a symbol followed by a Take It input for such symbol, the player has not reselected such symbol. Also, Nicastro prevents the player from providing multiple Take It inputs for the same symbol. At least for these reasons, Applicants submit that the Office Action's combination of references do not disclose the reselection elements of Prior Claims 21-39.

Despite such traversal, Applicants have amended independent claims 11, 21, 30, 35 and 40 to advance the prosecution of this application. Amended claim 11 recites, among other elements: ". . . the processor being programmed to perform a plurality of steps for one of the plays of the game, the steps including: (a) causing the display device to display the symbols; (b) receiving at least one player selection of more than one, and less than all, of the displayed symbols; (c) causing the display device to display the value indicators associated with the selected symbols, said display resulting in an indication of a plurality of the final values; (d) receiving a player reselection of at least one, and less than all, of the selected symbols; (e) selecting one of the mathematical modifiers based on the player reselection; (f) applying the selected mathematical modifier to all of the displayed final values, the application of the mathematical modifier resulting in an award; and (g) displaying the award." The Office Action's combination of references does not disclose such elements.

Amended claim 21 recites, among other elements: “. . . a second selection opportunity enabling the player to reselect at least one of the selected symbols in the group during the one play, the reselection resulting in a determination of one of the award modifiers . . . an award based, at least in part, on the reselection, the award being determined by applying the determined award modifier to the sum . . .” The Office Action’s combination of references does not disclose such elements.

Amended claim 30 recites, among other elements: “. . . (j) enabling the player to reselect at least one of the selected symbols during the play; (k) retrieving a mathematical modifier based on the reselection; (l) determining an award based, at least in part, on the reselection, by applying the retrieved mathematical modifier to all of the indicated final values . . .” The Office Action’s combination of references does not disclose such elements.

Amended claim 35 recites, among other elements: “. . . (q) enabling the player to reselect at least one of the first and second symbols during the play; (r) retrieving at least one mathematical modifier based on the reselection ; (s) determining an award for the play based, at least in part, on the reselection, by applying the retrieved mathematical modifier to all of the indicated final values . . .” The Office Action’s combination of references does not disclose such elements.

Amended claim 40 recites, among other elements: “. . . the processor being programmed to perform a plurality of steps for one of the plays of the game, the steps including: (a) causing the display device to display the symbols; (b) receiving at least one player selection of more than one, and less than all, of the displayed symbols; (c) as a result of the at least one player selection, determining one of the final values for each one of the selected symbols; (d) causing the display device to display the value indicators associated with the selected symbols, said display ending with an indication of the determined final values; (e) receiving a player reselection of at least one, and less than all, of the selected symbols, a previous selection of the at least one reselected symbol having had an affect on the determination of the final values; (f) as a result of the player reselection, selecting one of the mathematical modifiers; (g) cause the display device to indicate the selected mathematical modifier for a first time only after

the player reselection; (h) applying the indicated mathematical modifier to all of the displayed final values, the application of the indicated mathematical modifier resulting in an award; and (i) displaying the award.” The Office Action’s combination of references does not disclose such elements.


For the foregoing reasons, Applicants submit that the claims submitted with this Response are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, the Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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